

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

MCG, INC. )  
              )  
Appellant, )  
              )  
              )  
v.           ) No. 15-1547  
              )  
              )  
MGSJ HOLDINGS, INC. )  
et al.       )  
              )  
Appellees. )  
              )  
-----)

**APPELLANT MCG'S CONSENT MOTION FOR LEAVE TO FILE  
JOINT APPENDIX ONE DAY OUT-OF-TIME**

COMES NOW Appellant MCG, Inc. ("MCG"), pursuant to Fed. R. App. P. 27, and Local Rule 27(b), which respectfully requests that it be allowed to electronically file the Joint Appendix to its Opening brief one day out-of-time, filed contemporaneously with this motion, and in support of said motion, states as follows:

1. MCG's opening brief was due on October 5, 2015.
2. MCG caused a hard copy of its Opening Brief and the Joint Appendix to be filed with the Court on October 5, 2015. A service copy of each document was mailed via first-class mail to pro se Appellee, Steven Mendieta.
3. MCG also caused its Opening Brief to be electronically filed, Document No. 24 on October 5, 2015.

4. On that same date, however, the printing firm MCG engaged had difficulty uploading the Joint Appendix through the court's electronic filing system, apparently because of the PDF format in which it was denominated.

5. The Joint Appendix has been uploaded this date, Document No. 26.

6. The Joint Appendix was separately e-mailed to all Appellees this day.

7. No party suffers any prejudice from the granting of this motion, as MCG seeks but a one-day extension.

8. Counsel for Appellees Gary Ward, Michael Moore and MGSJ Holdings, Inc. have authorized us to state he consents to this motion. Appellee Steven Mendieta has authorized us to state he also consents to this motion.

WHEREFORE, for the reasons stated above, MCG requests that this motion be granted.

Respectfully submitted,

/s/ Eric S. Lipsetts  
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Attorney for Appellant MCG, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 6<sup>th</sup> day of October, 2015, the foregoing document was served on all parties or their counsel of record through the CM/ECF System, if they are registered users, or, if they are not, by serving a true and correct copy at the addresses listed below:

Steven Mendieta (Appellee)  
5622 Sage Hills Drive  
Charlotte, NC 28277

/s/ Eric S. Lipsetts  
Eric S. Lipsetts